

### **REMARKS**

Claims 1-20 are rejected by the office action. Claim 21 is added by this amendment. Thus, Claims 1-21 are pending in this application.

Applicants respectfully traverse the rejection of claims 1-20 under 35 U.S.C. 101 as directed to non-statutory subject matter. As amended, claim 1 recites a system for developing interactive applications comprising an electronic editor that simulates a display screen of an execution platform having an operating system and a control interface for a control module of the execution platform. Generally, the claimed system provides a development environment for creating a new interactive media application in portable form which can be implemented on a selected target platform. In one example, the claimed system can be used to develop interactive applications for OPEN TV, a practical application. The claimed system provides a virtual object generating means for providing a virtual object for manipulation by the application and for use in the design process to build an interactive application. The claimed system also provides a correlating means for mapping events to actions and a means for storing the correlated event action pairs, where the correlated event action pairs can represent a portable interactive application in native form, that is, in a universal form which can be ported to a target application for execution.

Any person skilled in the art will recognize that the claimed electronic editor and execution platform having an operating system are directed to a computer embodiment. The recited electronic editor alone is sufficient to indicate a physical hardware device that includes a monitor for simulating a display screen and a control interface. Moreover, the recited execution platform includes a monitor, a control module, and an operating system, which are the basic units of a computing apparatus.

Furthermore, claim 1 discloses a control means for correlating and a means for storing correlated event/action pairs. In *In re Lowry*, 32 F.3d 1579 (Fed. Cir. 1994), the Federal Circuit held that a claim to a data structure stored on a computer-readable medium for increasing computer efficiency was statutory subject matter. Therefore, the storing of correlated event/action pairs, which is inherently performed using a computer and computer-readable medium, is statutory subject matter.

Still further, Applicants emphasize in *AT&T Corp. v. Excel Communications*, 172 F.3d 1352 (Fed. Cir. 1999), the Federal Circuit held that using a machine to transform data representing discrete dollar amounts using a mathematical calculation involving Boolean

algebra was statutory subject matter. Claims 2 and 3 recite Boolean based functions that are used to transform events into actions. Applicants are at a loss to explain how these Boolean functions can be performed without the use of a physical calculating device, i.e., a computer. Thus, for at least this further reason, claims 2 and 3 recite patentable subject matter.

It follows, that claims 1, and 2-20 depending therefrom, are directed to statutory subject matter under 35 U.S.C. 101.

Applicants respectfully traverse the rejection of claims 1-20 under 35 U.S.C. 112, second paragraph, as being indefinite. Independent claim 1 and dependent claims 2-14 and 17 are amended to remove the antecedent basis issues noted by the office action and correct typographical and other grammatical errors. The amendments do not introduce any new matter. Applicants submit that pending claims 1-20 are patentable under 35 U.S.C. 112.

Applicants respectfully traverse the rejection of claims 1-20 as obvious over Vazirgiannis et al. ("Interactive Multimedia Scenario Editor") in view of Bloem et al. (WO 99/04349). Each of pending claims 1-20 recite an electronic editor allowing simulation of a display screen and a control interface of a control module for an execution platform, a means for generating virtual objects, a control means for correlating a plurality of event/action pairs and for storing the correlated event/action pairs.

It is clear that the prior art must make a suggestion of or provide an incentive for a claimed combination of elements to establish a *prima facie* case of obviousness. See, *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). This principle holds true even if the applied art could be modified to produce the invention recited by the pending claims. See, *In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") Because neither of Vazirgiannis nor Bloem provides a motivation or suggestion to combine or modify any of the their teachings to produce the claimed combination, neither Vazirgiannis nor Bloem, alone or in combination, can render any of the pending claims obvious.

While Vazirgiannis discloses a multimedia editor, Vazirgiannis does not disclose simulating a display screen and a control interface of an execution platform apart from the editor. Instead, the office action relies on Bloem for such a disclosure. While Bloem discloses simulating a widget component of a target platform on a host computer, Bloem fails

to provide any motivation or suggestion for modifying or combining its teachings with Vazirgiannis to produce the claimed combination. Specifically, Bloem is not related to interactive applications as recited by the pending claims. Instead, Bloem is primarily concerned with implementing a graphical user interface for a TV set based on underlying library software. Thus, Bloem fails to teach combining its cross-platform aspect with an interactive application development system, as recited by the pending claims.

Moreover, Vazirgiannis fails to disclose any motivation or suggestion to modify its teaching or combine its teaching with those of Bloem to produce the claimed invention. Specifically, Vazirgiannis is directed to a single platform multimedia editor. In fact, Vazirgiannis discloses using Asymetrix/Toolbook 4.0 for Windows 95, which is a platform specific (Windows only) development tool. Platform specific development tools such as Asymetrix generally require defining code which can be used only with the system running the development tool, thus Vazirgiannis fails to provide any motivation or suggestion to use its system with another platform. Moreover, Vazirgiannis discloses that its editor defines its events to be linked to a specific actor, or more specifically, that its events are performed by a specific actor, thus providing a dependency of each of its event-action mappings to a particular actor, which may further indicate a platform specific dependency. Thus, Vazirgiannis cannot disclose correlating event/action pairs that are independent of the access format imposed by the execution platform. It follows that Vazirgiannis provides no motivation or suggestion for defining platform independent structures, much less independent structures that are developed by simulating a display screen and control interface of an execution platform.

Because neither Vazirgiannis nor Bloem provide any suggestion or motivation to modify or combine their teachings to produce the claimed combination, the office action fails to make a *prima facie* case of obviousness. Applicants therefore submit that claims 1-20 are in condition for allowance.

New claim 21 recites that correlating event/action pairs is achieved by logic one to one mapping between an event and an action independently of an access format imposed by said execution platform. Bloem fails to disclose providing mapping of any kind between event and action pairs. Also, as discussed above, Vazirgiannis fails to teach or suggest correlating event/action pairs by logic one to one mapping between an event and an action independently of an access format imposed by the execution platform. Thus, neither Bloem

nor Vazirgiannis disclose correlating event/action pairs by logic one to one mapping between an event and an action independently of an access format imposed by the execution platform, and thus neither Bloem nor Vazirgiannis can anticipated the pending claims and no combination of Bloem and Vazirgiannis can render the pending claims obvious. Applicants therefore submit that new claim 21 is allowable.

### CONCLUSION

Applicant submits that this case is in a condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and allowance of rejected claims 1-21.

This amendment is timely filed with a certificate of mailing under 37 C.F.R. §1.8. Furthermore, by this amendment, one additional claim (claim 21) is filed over the twenty claims already paid for, and thus, Applicants hereby authorize the Commissioner to charge a fee of \$50.00 for the one additional claim to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. Notwithstanding, the Commissioner is also hereby authorized to charge any fees necessary to maintain the pendency of this case or to credit any overpayments to the Deposit Account No. 13-2855.

If there are matters that can be discussed by telephone to further the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number listed below. In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By: 

David C. Read

Registration No.: 39,811

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant